

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN DURRELL HOLCOMB,

Plaintiff,

No. CIV S-02-2417 LKK KJM P

vs.

HIGH DESERT STATE PRISON, et al.,

Defendants.

ORDER

_____/

Plaintiff is a California prisoner proceeding pro se with an action for violation of civil rights under 42 U.S.C. § 1983. On March 5, 2008, the court appointed counsel for plaintiff. At a hearing held April 9, 2008, counsel informed the court that she is unable to represent plaintiff. Also, in a letter dated April 16, 2008, counsel indicated that she would like to be removed from the list from which the court selects counsel to represent indigent prisoners in 42 U.S.C. § 1983 actions. Good cause appearing, counsel will be relieved as counsel for plaintiff, her name will be removed from the prisoner counsel list and the court will appoint substitute counsel.

Also, the court notes that there is a pending motion in limine. Since this matter is not yet ready for trial, the motion will be denied without prejudice to renewal when the court sets a trial date.

Accordingly, IT IS HEREBY ORDERED that:

1. Noreen McDermott is relieved as counsel for plaintiff.

2. Ms. McDermott shall be removed from the list of attorneys from which the court selects counsel to represent indigent prisoners in 42 U.S.C. § 1983 actions.

3. Mr. Brian R. Chavez-Ochoa is hereby appointed as counsel for plaintiff.

4. This matter is scheduled for status on June 4, 2008 at 10:00 a.m. in Courtroom #26. Both parties shall appear by counsel at the status conference and shall be prepared to discuss how this matter should proceed.

4. The Clerk of the Court is directed to serve a copy of this order upon Mr. Brian R. Chavez-Ochoa, 4 Jean Street, Suite 4, Valley Springs, CA, 95252.

5. Defendants' motion in limine (#95) is denied without prejudice to renewal after a trial date is set.

DATED: May 20, 2008.


U.S. MAGISTRATE JUDGE

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